

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Regine Ndifor,

Court File No.

Plaintiff,

vs.

NOTICE OF REMOVAL

Sterling Medical Corporation, St Clairsville
Medical Group, Inc.,

Defendants.

Pursuant to 28 U.S.C. §1446, Defendants Sterling Medical Corporation (“Sterling”) and St. Clairsville Medical Group, Inc. (“St. Clairsville”) hereby invoke this Court’s jurisdiction pursuant to 28 U.S.C. §§1332 and 1441, and states the following grounds for removal:

1. Plaintiff Regine Ndifor (“Ndifor”) instituted this action on or about November 28, 2018, in the State of Minnesota, District Court, Hennepin County, Court File No.: 27-CV-18-19896 (the “State Action”).

2. Sterling and St. Clairsville were served with a copy of the Summons and Complaint on December 5, 2018, and this action is being removed to federal court within 30 days of such receipt.

3. A true and correct copy of the Summons and Complaint is attached as Exhibit A. This constitutes the entirety of all process, pleadings, and orders served upon Sterling and St. Clairsville pursuant to 28 U.S.C. § 1446(a).

4. Sterling and St. Clairsville have not served any answer or responsive pleading to the Complaint, or otherwise made any appearance or argument in the State Action.

5. This Notice of Removal is being filed within thirty days of Sterling and St. Clairsville's receipt of the Complaint in accordance with 28 U.S.C. §1446(b).

6. Ndifor identifies herself in the Complaint as a Minnesota resident with a home address in Eden Prairie, Minnesota.

7. Sterling is a corporation organized under the laws of Ohio with its principal place of business located in Cincinnati, Ohio. St. Clairsville is also a corporation organized under the laws of Ohio with its principal place of business located in Cincinnati, Ohio. A true and correct copy of the Affidavit of Karen Blatt, the Human Resources Director for both Sterling and St. Clairsville, is attached as Exhibit B. In this affidavit, Ms. Blatt identifies the principal place of business for Sterling and St. Clairsville.

8. As a result, there is complete diversity of citizenship between Ndifor, on one hand, and Sterling and St. Clairsville, on the other hand.

9. Removal is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332 (diversity jurisdiction) as this action involves an action brought by a citizen of one state against citizens of another.

10. The Complaint seeks judgment against Sterling and St. Clairsville in the amount of "8.5 million dollars." The Complaint also seeks reinstatement of Ndifor's privileges with the United States Veteran's Administration. *See* Complaint, p. 2.

11. Therefore, without conceding any liability or damages, Sterling and St. Clairsville in good faith believes that the amount that is in controversy in this matter exceeds \$75,000, when considering both the monetary and non-monetary requests for relief. *See 28 U.S.C. §1446(c)(2)*

12. Pursuant to 28 U.S.C. § 1441, the right exists to remove this case to the United States District Court for Minnesota. The state court from which the State Action was removed, and in which this action was commenced, is within this Court's district and division, as required by 28 U.S.C. § 1446(a).

13. Sterling and St. Clairsville submit this Notice without waiving any defenses to the claims asserted by Ndifor or conceding that Ndifor has pled claims upon which relief can be granted.

14. This Notice of Removal is being filed promptly with the State Court, as required by 28 U.S.C. § 1446(d).

15. Sterling and St. Clairsville are providing notice to all parties in this action of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants gives notice that the referenced action pending in the State of Minnesota, District Court of Hennepin County, Court File No.: 27-CV-18-19896, has been removed to this Court.

HELLMUTH & JOHNSON

Dated: January 2, 2019

By


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